

Message Text

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PAGE 01 STATE 175682 TOSEC 080033
ORIGIN DLOS-09

INFO OCT-01 ISO-00 EUR-12 SS-15 SSO-00 CCO-00 OES-09
L-03 EB-08 /057 R

DRAFTED BY S/AR:AGJAMES/MW
APPROVED BY S/AR:ELRICHARDSON
EUR/SOV:JLCOLBERT
D/LOS:ADBERLIND
S/S:FWISNER

-----110505 121814Z /11
O 121735Z JUL 78 ZFF4
FM SECSTATE WASHDC
TO USDEL SECRETARY IMMEDIATE

LIMITED OFFICIAL USE STATE 175682 TOSEC 080033

E.O. 11652: N/A

TAGS: PLOS, UR

SUBJECT: ACTION MEMORANDUM: LOS - TALKING POINTS FOR
SECRETARY'S USE WITH GROMYKO (S/S NO.7813923)

TO THE SECRETARY FROM S/AR-ELLIOT L. RICHARDSON

1. AS I PROMISED YOU WHEN WE SPOKE ON JULY 7, I SEND YOU
HEREWITH THE TALKING POINTS I PASSED TO AMBASSADOR DOBRYNIN
AFTER MY CONVERSATION WITH HIM LAST MONTH ABOUT ISSUES ON
WHICH WE AND THE SOVIETS DISAGREE IN THE LOS CONFERENCE.
I HOPE THAT THE OPPORTUNITY WILL PRESENT ITSELF FOR YOU TO
TOUCH ON THESE ISSUES WITH GROMYKO.

2. TALKING POINTS:

-- (1) ONE OF THE KEY OUTSTANDING ISSUES BEFORE THE LAW OF
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THE SEA CONFERENCE IS THE DEFINITION OF THE OUTER LIMIT OF
THE CONTINENTAL MARGIN WHERE IT EXTENDS BEYOND 200 MILES FROM
SHORE AND WHERE THE COASTAL STATE WOULD EXERCISE RESOURCE
JURISDICTION. THE COASTAL STATES WHICH HAVE BROAD CONTIN-
ENTAL MARGINS, INCLUDING ARGENTINA, AUSTRALIA, GREAT BRITAIN,
INDIA, NEW ZEALAND, AND THE UNITED STATES, AS WELL AS MANY
OTHER NATIONS WITH BOTH BROAD AND NARROW MARGINS, HAVE SUP-

PORTED THE SO-CALLED IRISH FORMULA WHICH IS SCIENTIFICALLY SOUND, LEGALLY DEFENSIBLE, AND POLITICALLY REALISTIC. INDEED, A PACKAGE WAS EMERGING AT THE LAST SESSION WHICH INCLUDED THE IRISH FORMULA, COUPLED WITH REVENUE SHARING FROM EXPLOITATION OF MINERAL RESOURCES BEYOND 200 MILES. A GREAT MANY LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES AND MANY OTHER DEVELOPING COUNTRIES SEEMED READY TO ACCEPT THE IRISH FORMULA PROVIDED THAT THEY WOULD BENEFIT FROM A SATISFACTORY ARRANGEMENT FOR REVENUE SHARING.

THE USSR MADE A NEW SUGGESTION IN GENEVA WHICH WOULD LIMIT COASTAL STATE JURISDICTION REGARDING THE CONTINENTAL MARGIN TO A MAXIMUM OF 300 MILES FROM SHORE. THIS PROPOSAL DID NOT SPECIFY HOW IT WOULD DEFINE THE OUTER EDGE OF THE MARGIN BETWEEN 200 AND 300 MILES FROM SHORE ALTHOUGH THE USSR INDICATED THAT IT MIGHT UTILIZE THE IRISH FORMULA.

THE UNITED STATES HAS THREE MAJOR CONCERNS WITH THE USSR PROPOSAL: (1) IT HAS NO CHANCE OF PRODUCING A CONSENSUS GIVEN THE STRONG OPPOSITION OF KEY BROAD MARGIN STATES; (2) COMPROMISE OF THE CONTINENTAL MARGIN ISSUE IS CRUCIAL TO THE RESOLUTION OF THE OTHER EXCLUSIVE ECONOMIC ZONE ISSUES TO WHICH IT HAS BEEN LINKED BY KEY BROAD MARGIN STATES; AND (3) DEFINING THE MARGIN BY DRAWING AN ARBITRARY LINE IN THE OCEAN UNRELATED TO THE GEOMORPHOLOGICAL CHARACTERISTICS OF THE MARGIN COULD VERY LIKELY LEAD TO LIMITED OFFICIAL USE

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PAGE 03 STATE 175682 TOSEC 080033

CLAIMS OF JURISDICTION OVER SUPERJACENT WATERS.

THE USSR HAS ASSURED US AND OTHERS THAT ITS SUGGESTION REGARDING THE CONTINENTAL MARGIN WAS PUT FORWARD IN ORDER TO PROMOTE COMPROMISE. SINCE IT IS NOW APPARENT THAT THE PROPOSAL CANNOT ACHIEVE THIS END, THE UNITED STATES HOPES THAT THE USSR WILL NOT PURSUE IT AT THE RESUMED SEVENTH SESSION IN AUGUST.

-- (2) AT THE SIXTH SESSION OF THE LAW OF THE SEA CONFERENCE THE USSR AND THE UNITED STATES PARTICIPATED IN NEGOTIATING IMPROVEMENTS IN THE PROVISIONS DEALING WITH THE HIGH SEAS FREEDOMS OF NAVIGATION AND OVERFLIGHT AND OTHER FREEDOMS IN THE EXCLUSIVE ECONOMIC ZONE. ALTHOUGH THE UNITED STATES BELIEVES THAT THESE PROVISIONS, WHICH ARE CONTAINED IN THE INFORMAL COMPOSITE NEGOTIATING TEXT, ARE ADEQUATE, WE NEVERTHELESS SUPPORT THE AMENDMENT PROPOSED BY THE USSR WHICH WOULD EXPLICITLY STATE THAT NO STATE MAY VALIDLY PURPORT TO EXERCISE SOVEREIGNTY OVER THE EXCLUSIVE ECONOMIC ZONE. THE UNITED STATES BELIEVES THAT THIS IS THE RESULT IN ANY EVENT UNDER THE ICNT AS CURRENTLY DRAFTED. WE ARE CONCERNED, HOWEVER, THAT STRONG PRESSURE ON BEHALF

OF THIS AMENDMENT MAY HAVE ADVERSE CONSEQUENCES. THE AMENDMENT MAY FAIL, AND, IF IT DID, OUR INSISTENCE THAT THE

ABSENCE OF COASTAL STATE SOVEREIGNTY IS THE NECESSARY LEGAL RESULT OF THE PRESENT LANGUAGE WOULD BE UNDERCUT. MOREOVER, THE ATTEMPT TO REOPEN LAST YEAR'S COMPROMISE MIGHT LEAD TO ITS UNRAVELING.

THIS IS A MATTER AS TO WHICH IT IS PLAINLY DESIRABLE THAT THE USSR AND THE UNITED STATES SHOULD COOPERATE CLOSELY. IT IS EVIDENT, HOWEVER, THAT WE DO NOT AT THE MOMENT SEE IT IN THE SAME WAY. THE UNITED STATES REGARDS IT AS IMPORTANT THAT OUR TWO DELEGATIONS TRY TO RECONCILE OUR DIFFERENCES ON THIS SUBJECT.

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-- (3) THE OCEANOGRAPHERS AND MARINE BIOLOGISTS OF BOTH OUR COUNTRIES SHARE A COMMON VIEWPOINT REGARDING THE NEED TO MINIMIZE THE POWER OF COASTAL STATES TO IMPEDE LEGITIMATE MARINE SCIENTIFIC RESEARCH. ALTHOUGH IT IS NOW TOO LATE TO ELIMINATE THE BASIC THRUST OF THE INFORMAL COMPOSITE NEGOTIATING TEXT REGARDING COASTAL STATE CONSENT, THERE IS ROOM WITHIN ITS BASIC FRAMEWORK TO MAKE THE TEXT LESS AMBIGUOUS AND, AS A CONSEQUENCE, LESS PRONE TO UNNECESSARILY RESTRICTIVE INTERPRETATION. THE UNITED STATES IS PREPARING CLARIFYING AMENDMENTS WHICH IT PROPOSES TO INTRODUCE AT THE RESUMED SESSION IN AUGUST.

THE UNITED STATES IS NOT AWARE OF ANY NON-SCIENTIFIC CONSIDERATIONS WHICH WOULD LEAD THE USSR OR OURSELVES TO FAVOR THE RESTRICTION OF MARINE SCIENTIFIC RESEARCH. WE THEREFORE HOPE THAT BETWEEN NOW AND THE RESUMPTION OF THE SEVENTH SESSION IT WILL BE POSSIBLE TO DEVELOP A CONSISTENT APPROACH TO OUR COMMON INTERESTS IN THIS SUBJECT.

3. CLEARED BY: D/LOS:ADBERLIND; EUR/SOV:JLCOLBERT
DRAFTED BY: S/AR:AGJAMES CHRISTOPHER

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PAGE 01 STATE 175682

ORIGIN DLOS-09

INFO OCT-01 ISO-00 EUR-12 /022 R

66011

DRAFTED BY: D/LOS:ADBERLIND

APPROVED BY: D/LOS:ADBERLIND

EUR/SOV:JLCOLBERT (INFO)

-----044025 151627Z /66

R 151040Z JUL 78

FM SECSTATE WASHDC

INFO AMEMBASSY MOSCOW 0000

LIMITED OFFICIAL USE STATE 175682

FOLLOWING REPEAT STATE 175682 TOSEC 080033 SENT USDEL SECRETARY
12 JUL 78

QUOTE LIMITED OFFICIAL USE STATE 175682 TOSEC 080033

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DRAFTED BY: S/AR:AGJAMES CHRISTOPHER

UNQUOTE CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TOSEC, LAW OF THE SEA, BRIEFING MATERIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 12 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE175682
Document Source: CORE
Document Unique ID: 00
Drafter: AGJAMES/MW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780285-1107
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780768/aaaacfew.tel
Line Count: 321
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 45d87e76-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DLOS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2032252
Secure: OPEN
Status: NATIVE
Subject: ACTION MEMORANDUM: LOS - TALKING POINTS FOR SECRETARY'S USE WITH GROMYKO (S/S NO.7813923) TO THE SECRETARY FROM S/AR-ELLIOT L. RICHARDSON
TAGS: PLOS, UR, (RICHARDSON, ELLIOT L)
To: SECRETARY
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/45d87e76-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014